



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

Notice of Drainage Board Meeting For Determination of Necessity

GORBY INTERCOUNTY DRAIN (Kent and Newaygo Counties)

DATE: January 13, 2022
TIME: 10:00 a.m.
LOCATION: Grant Township Hall
1617 E. 120th St., Grant, Michigan

The Gorby Intercounty Drain Drainage Board will meet at the above date, time and location to hear all interested persons, receive evidence and determine whether the maintenance and improvement, as set forth in the petition dated January 4, 2021, is necessary for the public health, convenience, or welfare; and further, to determine whether it is necessary to revise the boundaries of the Drainage District pursuant to Chapter 8 of Public Act 40 of 1956, as amended.

Proceedings conducted at this public meeting will be subject to the provisions of the Michigan Open Meetings Act. Written comments may be submitted prior to the meeting, or additional information may be obtained from the following offices:

Ken Yonker
Kent County Drain Commissioner
1500 Scribner Ave. NW
Grand Rapids, Michigan
616-632-7910

Dale Twing
Newaygo County Drain Commissioner
306 S. North St.
White Cloud, Michigan
231-689-7213

Persons with disabilities needing accommodations for effective participation in the meeting should contact the Drain Commissioner of their County at the number listed above or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the meeting to request mobility, visual, hearing or other assistance.

Anyone aggrieved by the decision of the Intercounty Drain Drainage Board may seek judicial review pursuant to MCL 280.122a.

Dated: December 10, 2021

Brady Harrington, Deputy
For Gary McDowell, Director
Michigan Department of Agriculture and
Rural Development



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December 10, 2021

CERTIFIED MAIL

Mr. Ken Yonker
Kent County Drain Commissioner
1500 Scribner Ave. NW
Grand Rapids, MI 49504

Mr. Dale Twing
Newaygo County Drain Commissioner
306 S. North St.
White Cloud, MI 49349

RE: Gorby Intercounty Drain

Dear Commissioners:

Enclosed is a Notice of Meeting of the Drainage Board to determine the necessity of the Chapter 8 petition to maintain and improve the **Gorby Intercounty Drain**. Please retain a copy of the notice for your records.

Please follow the following instructions carefully. Notice of the meeting shall be served by each county, not less than 10 days before the meeting, as follows:

1. Publish the notice in a newspaper of general circulation in the drainage district.
2. Provide notice by personal service or certified mail to the county clerk and a member of the board of county road commissioners of each county, and to the supervisor of each township and clerk of each city and village in the drainage district. If there are state highways in the drainage district, we also recommend service on the director of the Michigan Department of Transportation by certified mail, even though this is not specifically required in Section 122.
3. Provide notice by first-class mail on each person whose name appears on the last city or township tax roll as owning land in the drainage district, at the address shown on the roll.
4. Post the notice in your office or your building where other such notices are posted. If your county maintains a website that is accessible to the public, the notice shall also be posted on the homepage or other webpage dedicated to public notices.

All expenses of notification shall be paid by the treasurer county of the Drainage Board.

Newaygo County, please arrange for a court reporter to be present to take a transcript of the meeting.

Finally, **please provide this office with a copy of the Proof of Publication, Affidavit of Mailing, Affidavit of Posting, and Proof of Service for the drain**. If you have any questions regarding any of these requirements, please contact me at 517-284-5624.

Sincerely,

Brady Harrington
Deputy for the Director

Enclosures

AGENDA

**Meeting to Determine Necessity of Petition
for Proposed Maintenance and Improvements**

GORBY INTERCOUNTY DRAIN
(Kent and Newaygo Counties)

Grant Township Hall
1617 E. 120th St., Grant, Michigan
10:00 a.m., January 13, 2022

1. Call to order
2. Introduction of Drainage Board Members and engineer
Brady Harrington, Chairperson, Michigan Department of Agriculture
Ken Yonker, Kent County Drain Commissioner
Dale Twing, Newaygo County Drain Commissioner
Charles Smith, Spicer Group
3. Motion to elect Secretary
4. Approval of the agenda and meeting minutes
5. Reading of petition, explanation of procedures and voting rules - Chair
6. Presentation of preliminary engineering – Engineer
7. Public comment and questions **(please complete a speaker card)**
 - Please state name and relation to drain
 - Limit comments to 5 minutes until everyone has their first opportunity to speak
 - Be specific/describe problems or desired changes
8. Board member comments
9. Motion regarding necessity of the drain for the good of the public health, convenience, or welfare
10. Motion regarding revising drainage district boundaries
11. Motion determining which cities, villages, and townships, if any, should receive an at large assessment for benefit to public health.
12. Motion to retain financial consultant(s) and authorize interim borrowing
13. Closing comments and administrative procedures
14. Adjourn

History and procedure

The Kent County Drain Commissioner received a petition from Grant Township on January 4, 2021 requesting maintaining and improving, of the Gorby Intercounty Drain to address drainage issues in Tyrone Township in Kent County and Grant Township in Newaygo County.

The Drainage Board met on March 4, 2021 and determined that the petition was sufficient and the requested improvement was practical. A portion of the Gorby Drain was consolidated with the Geers Drain at that meeting. The Drainage Board retained Spicer Group to provide preliminary engineering alternatives and cost estimates.

Today's meeting is to make a public presentation of the preliminary engineering study and engineer's recommendations and cost estimates and to receive additional public testimony. The Board will make a decision based on the engineering study and testimony received at this hearing and earlier in the process, from the petitioners, landowners and local officials as to whether or not it is necessary and conducive to the public health, convenience, or welfare to proceed with some level of construction project to provide the relief requested.

The decisions today will be made by a majority vote of this Board. The Chairperson does not vote except in the event of a tie (abstentions are not allowed)

Again, it should be made clear that the Board will be deciding if there should be a project to address the relief requested in the petition and whether the project is necessary for the good of the public health, convenience, or welfare.

If the Board makes the determination that there is no need for any level of project, and there is no appeal, the petition process comes to an end and the costs of the procedure to date will be apportioned among the drainage district counties. These costs will be apportioned according to the benefits that would have accrued to the counties if the project had been completed.

If this Board finds a project Necessary at the end of today's proceedings and there is no appeal within the designated 10 days, this Board in conjunction with the recommendations of the engineer and testimony received from the hearing process, will decide on scope and breadth of the project to be constructed.

You have the right to appeal the decision of the Board whether the Board decides yes or no. Your appeal is to the Circuit Court of the county in which you reside, within 10 days of today's hearing. The scope or design of the project is not subject to appeal.